

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARVIN KRONA,

Plaintiff,

v.

SNOHOMISH COUNTY SHERIFF, et
al.,

Defendants.

CASE NO. C10-1875RSM

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION

This matter is before the Court for consideration of the Report and Recommendation (“R&R”) filed January 21, 2011, together with plaintiff’s objections. The Court writes to address those objections.

Plaintiff Marvin Krone filed this civil rights complaint pursuant to 42 U.S.C. § 1983, contending that he was wrongfully arrested and detained for two weeks in late June of 2007. He seeks damages for the unlawful restraint and associated emotional distress, back pay for work he missed, and adjustment of his record to remove “all unsubstantiated and relevant convictions/no contact violation.” Dkt. # 1-1, p. 4. The complaint was presented for filing on November 17,

1 2010, more than three years after the arrest and detention. The R&R filed by the Honorable
2 Brian A. Tsuchida, United States Magistrate Judge, recommends that the complaint be dismissed
3 as time-barred. Dkt. # 11.

4 In his objections to the R&R, plaintiff contends that the three-year statute of limitations
5 applicable to § 1983 actions did not begin to run until April of 2008 when the charges for which
6 he was arrested were dismissed. Dkt. # 13. However, as noted in the R&R, the statute of
7 limitations for a § 1983 claim of wrongful arrest and detention begins to run from the time of that
8 detention, not from the date the charges were dismissed. R&R, Dkt. # 11, p. 3; *citing Wallace v.*
9 *Kato*, 549 U.S. 384, 391-92 and 397 (2007). Plaintiff's objection is without merit.

10 The Court accordingly finds and ORDERS:

11 (1) The Report and Recommendation is approved and adopted;

12 (2) The complaint and action are DISMISSED for failure to state a claim for which relief
13 can be granted, pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) and §1915A(b)(1);

14 (3) This dismissal constitutes a STRIKE for purposes of 28 U.S.C. §1915(g); and

15 (4) The Clerk is directed to send copies of this Order to plaintiff at his address of record,
16 and to the Hon. Brian A. Tsuchida.

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18 Dated March 16, 2011.

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22 RICARDO S. MARTINEZ
23 UNITED STATES DISTRICT JUDGE
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